

Appln. No. 10/556,914
Reply dated May 1, 2009
Reply to Office Action of April 1, 2009

REMARKS

The above amendments are made to place the application in better form for U.S. practice and thus in better condition for examination. The claims in the application are now claims 1-6 and 8-20.

Applicants have claimed priority from their corresponding application filed in Japan on August 27, 2003, and a copy of the priority application will have been forwarded to the PTO from the International Bureau of WIPO. Accordingly, applicants respectfully request the examiner to acknowledge receipt of applicants' papers filed under Section 119.

The examiner has required applicants to elect a species from among the auxiliary components. As applicants must make an election even though the requirement is traversed, applicants hereby respectfully and provisionally elect tooth coating compositions in which titanium oxide is present as an auxiliary component, with traverse and without prejudice. As all of applicants' claims are generic, i.e. none exclude the presence of titanium oxide, all of applicants' claims read on (encompass) the elected species.

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The requirement is traversed because the species are not "mutually exclusive" as required by MPEP 806.04(F). Thus, this is not a case where the composition may contain one auxiliary component or a different auxiliary component, but not both at the same time. Accordingly, a requirement for election of species is not appropriate.

Even for different examples of the same type of auxiliary component, it is possible to have more than one. Again taking the example of pigments, a composition may contain both titanium oxide and mica titanium. As regards different types of auxiliary components, the claimed composition can contain both a pigment and a methacrylate copolymer as a pigment dispersant, and a dye, and a tackifier, etc.

Again, this is not a situation where one auxiliary component is present to the exclusion of all others. Thus, the claims are not directed to different species, but are simply of different scope, namely broader claims and narrower claims, the narrower claims simply adding further features. Again, the present application does not present a situation where auxiliary components are mutually exclusive.

Withdrawal of the requirement is in order and is respectfully requested.

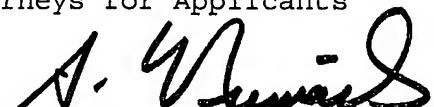
Appln. No. 10/556,914
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Applicants respectfully await the results of an examination on the merits.

Respectfully submitted,

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